

**UNITED STATES DISTRICT COURT**

**DISTRICT OF ARIZONA  
OFFICE OF THE CLERK**

**RICHARD H. WEARE**  
DISTRICT COURT EXECUTIVE / CLERK OF COURT  
SANDRA DAY O'CONNOR U.S. COURTHOUSE  
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PHOENIX, ARIZONA 85003-2118

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DEC 1 2006

**JAMES BONINI, Clerk**  
CINCINNATI, OHIO

November 22, 2006

Clerk of Court  
Potter Stewart U.S. Courthouse, Room 103  
100 East Fifth Street  
Cincinnati, Ohio 45202

RE: USA v. John Alphonso Smith  
Your case number: 1:02CR00150  
Arizona case number: 06-03331M-001

Dear Clerk of the Court:

The above charge originated in your district. The defendant has appeared before Magistrate Judge Lawrence O. Anderson in the District of Arizona. The following action has been taken.

- ☒ U S MARSHAL HAS BEEN ORDERED TO REMOVE THE DEFENDANT TO THE CHARGING DISTRICT.
- ☐ THE DEFENDANT HAS BEEN ORDERED TO APPEAR IN THE CHARGING DISTRICT ON:

Enclosed are the certified copies of the original documents in our file. Please certify receipt of the documents on the enclosed duplicate of this letter and return it to our office.

Sincerely,

**RICHARD H. WEARE,**  
CLERK OF COURT/DISTRICT COURT EXECUTIVE

By: s/Christine Boucher  
Christine Boucher  
Deputy Clerk

Enclosures

UNITED STATES DISTRICT COURT  
DISTRICT OF ARIZONA - Phoenix

## MAGISTRATE JUDGE'S MINUTES

DATE: 11/16/2006 CASE NUMBER: 06-03331M-001USA vs. John Alphonso SmithU.S. MAGISTRATE JUDGE: LAWRENCE O. ANDERSON #: 70BIA.U.S. Attorney Darcy A. Cerow INTERPRETER \_\_\_\_\_  
LANGUAGE \_\_\_\_\_Attorney for Defendant Douglas Passon (AFPD)

MATERIAL WITNESS(es): \_\_\_\_\_

MATERIAL WITNESS(es) state true name(s) to be: \_\_\_\_\_

Attorney for Material Witness(es): \_\_\_\_\_

DEFENDANT: ☒ PRESENT ☐ NOT PRESENT ☒ CUSTODYDOA 11/16/2006 ☒ Initial Appearance ☒ Appointment of counsel hearing held  
☒ Financial Afdvt taken ☐ Defendant Sworn ☐ Financial Afdvt sealed  
☒ Rule 5(c)(3) ☐ Defendant states true name to be \_\_\_\_\_. Further proceedings ORDERED  
in Defendant's true name.

<b>DETENTION HEARING:</b> <input checked="" type="checkbox"/> Reserved for prosecuting district Set for: Before: <input checked="" type="checkbox"/> Defendant ordered temporarily detained in the custody of the United States Marshal <input type="checkbox"/> Defendant ordered released _____ <input type="checkbox"/> Defendant continued detained pending trial	<b>IDENTITY HEARING:</b> <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Submitted <input type="checkbox"/> Reset <input checked="" type="checkbox"/> Waived Set for: Before: <input checked="" type="checkbox"/> Warrant of removal issued.
<b>PRELIMINARY HEARING:</b> <input checked="" type="checkbox"/> Reserved for prosecuting district Set for: Before: <input type="checkbox"/> Probable cause found <input type="checkbox"/> Dismissed <input type="checkbox"/> Held to answer before District Court	<b>STATUS HEARING: re:</b> _____ <input type="checkbox"/> Held <input type="checkbox"/> Con't <input type="checkbox"/> Reset Set for: Before:

Other: \_\_\_\_\_

Recorded by Courtsmart  
BY: Sherise M. Hargrove  
Deputy ClerkI/A 5 min hereby attest and certify on 11-22-06  
that the foregoing document is a full, true and correct  
copy of the original on file in my office and in my custody.CLERK, U.S. DISTRICT COURT  
DISTRICT OF ARIZONABy ASB Deputy

AO 466 (Rev. 9/92) Waiver of Rule 5 Hearings

## UNITED STATES DISTRICT COURT

<input checked="" type="checkbox"/> FILED	<input type="checkbox"/> LODGED
<input type="checkbox"/> RECEIVED	<input type="checkbox"/> COPY
NOV 16 2006	
CLERK U S DISTRICT COURT	
DISTRICT OF ARIZONA	
ARIZONA	DEPUTY

FOR THE \_\_\_\_\_ DISTRICT OF \_\_\_\_\_

UNITED STATES OF AMERICA

V.

**WAIVER OF RULE 5(c)(3) HEARINGS**  
 (formerly Rule 40)

John Alphonso Smith

CASE NUMBER: 06-3331M

 I, John Alphonso Smith, understand that in the  
Southern District of OTID, charges are pending

 alleging violation of Supervised Release Violation and that I have been

arrested in this District and taken before a United States Magistrate Judge who informed me of the charge and of my right to:

(1) retain counsel or request the assignment of counsel if I am unable to retain counsel, (2) request transfer of the proceedings to this district pursuant to Rule 20, Fed. R. Crim. P., in order to plead guilty, (3) an identity hearing to determine if I am the person named in the charge, and (4) a preliminary hearing (unless an indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me or a preliminary revocation hearing to determine whether there is probable cause to believe I have violated my terms of supervised release or probation, the hearing to be held either in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

- ☒ identity hearing  
☐ preliminary hearing  
☐ identity hearing and have been informed I have no right to a preliminary hearing  
☒ identity hearing but request a preliminary hearing or preliminary revocation hearing be held in the prosecuting district  
☒ I reserve my right to have a detention hearing in the prosecuting district

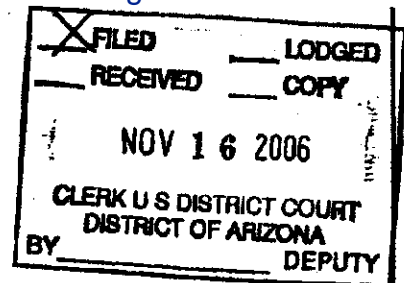
and, therefore, consent to the issuance of an order requiring my appearance in the prosecuting district where the charge is pending against me.

 I hereby attest and certify on 11-22-06  
 that the foregoing document is a full, true and correct  
 copy of the original on file in my office and in my custody.

 CLERK, U.S. DISTRICT COURT  
 DISTRICT OF ARIZONA
By OBM Deputy

Defendant

Defense Counsel



IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA

UNITED STATES OF AMERICA,

Plaintiff,

No. 06-3331 M

ORDER APPOINTING COUNSEL

John Alphonso  
SMITH

Defendant.

The Defendant has, under oath, sworn or affirmed as to his/her financial inability to employ counsel, for the offense of: S/R VIOLATION

IT IS HEREBY ORDERED appointing the Federal Public Defender by:

☐ United States District Judge \_\_\_\_\_

☒ United States Magistrate Judge Lawrence O. Anderson

CASE ASSIGNED TO: DOUGLAS A. PASSON

Assistant Federal Public Defender

District of Arizona

850 W. Adams Street, Suite 201

Phoenix, Arizona 85007

Office: (602) 382-2700, Fax: (602) 382-2800

DATED this 16<sup>th</sup> day of November, 2006.

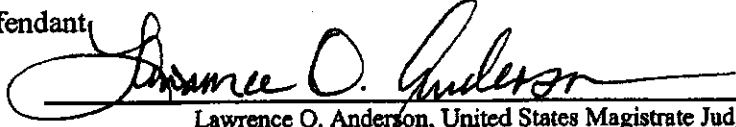
I hereby attest and certify on \_\_\_\_\_  
that the foregoing document is a full, true and correct  
copy of the original of file in my office and in my custody.

Lawrence O. Anderson  
UNITED STATES MAGISTRATE JUDGE

CLERK, U.S. DISTRICT COURT  
DISTRICT OF ARIZONA

By [Signature] Deputy

AO 94 (Rev. 8/97) Commitment to Another District

<b>UNITED STATES DISTRICT COURT</b> <div style="display: flex; justify-content: space-between; align-items: center;"> <span>FOR THE</span> <span> <b>U.S. MARSHALS SERVICE</b>  <small>RECEIVED DISTRICT OF PHOENIX</small> </span> <span>ARIZONA</span> </div>			
<b>UNITED STATES OF AMERICA</b> <b>V.</b>  John Alphonso Smith		<b>COMMITMENT TO ANOTHER DISTRICT</b>  '06 NOV 17 15:18	
<b>DISTRICT OF ARIZONA</b>			
<b>DOCKET NUMBER</b>		<b>MAGISTRATE JUDGE CASE NUMBER</b>	
District of Arrest 1:02CR00150	District of Offense Southern District of Ohio	District of Arrest 06-03331M-001	District of Offense District of Arizona
<b>CHARGES AGAINST THE DEFENDANT ARE BASED UPON AN</b> <input type="checkbox"/> Indictment <input type="checkbox"/> Information <input type="checkbox"/> Complaint <input checked="" type="checkbox"/> Other (specify) Petition			
charging a violation of Supervised Release			
<b>DISTRICT OF OFFENSE</b> Southern District of Ohio			
<b>DESCRIPTION OF CHARGES:</b>  Violation of Supervised Release			
<b>CURRENT BOND STATUS:</b> <input type="checkbox"/> Bail fixed at _____ and conditions were not met <input type="checkbox"/> Government moved for detention and defendant detained after hearing in District of Arrest <input checked="" type="checkbox"/> Government moved for detention and defendant detained pending detention hearing in District of Offense <input type="checkbox"/> Other (specify) _____			
<b>Representation:</b> <input type="checkbox"/> Retained Own Counsel <input checked="" type="checkbox"/> Federal Defender Organization <input type="checkbox"/> CJA Attorney <input type="checkbox"/> None			
<b>Interpreter Required?</b> <input checked="" type="checkbox"/> No <input type="checkbox"/> Yes <b>Language:</b> _____			
<div style="text-align: center;"> <b>DISTRICT OF ARIZONA</b>  <b>TO: THE UNITED STATES MARSHAL</b>  <p>You are hereby commanded to take custody of the above named defendant and to transport that defendant with a certified copy of this commitment forthwith to the district of offense as specified above and there deliver the defendant to the United States Marshal for that District or to some other officer authorized to receive the defendant.</p> <div style="display: flex; justify-content: space-between; align-items: center;"> <div style="text-align: center;"> <u>11-17-06</u>            Date         </div> <div style="text-align: center;">             _____            Lawrence O. Anderson, United States Magistrate Judge         </div> </div> </div>			
<b>RETURN</b>			
<b>This commitment was received and executed as follows:</b>			
DATE COMMITMENT ORDER RECEIVED		PLACE OF COMMITMENT	
DATE		(BY) DEPUTY MARSHAL	

CLOSED

**U.S. District Court  
DISTRICT OF ARIZONA (Phoenix Division)  
CRIMINAL DOCKET FOR CASE #: 2:06-mj-03331-LOA-ALL  
Internal Use Only**

Case title: USA v. Smith  
Other court case number: 1:02CR00150 Southern District of  
Ohio

Date Filed: 11/16/2006

Assigned to: Magistrate Judge  
Lawrence O Anderson

**Defendant**

**John Alphonso Smith (1)**  
**TERMINATED: 11/17/2006**

represented by **Douglas Andrew Passon**  
Federal Public Defenders Office  
850 W Adams St  
Ste 201  
Phoenix, AZ 85007-2730  
602-382-2700  
Fax: 602-382-2800  
Email: doug\_passon@fd.org  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**  
*Designation: Public Defender or  
Community Defender Appointment*

**Pending Counts**

None

**Disposition**

**Highest Offense Level (Opening)**

None

**Terminated Counts**

None

**Disposition**

**Highest Offense Level (Terminated)**

None

**Complaints**

None

**Disposition**

**Plaintiff****USA**

represented by **Darcy A Cerow**  
 US Attorney's Office  
 40 N Central Ave  
 Ste 1200  
 Phoenix, AZ 85004-4408  
 602-514-7500  
 Fax: 602-364-7929  
 Email: [Darcy.Cerow@USDOJ.GOV](mailto:Darcy.Cerow@USDOJ.GOV)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

<b>Date Filed</b>	<b>#</b>	<b>Docket Text</b>
11/16/2006	●1	Rule 5(c)(3) Documents Received as to John Alphonso Smith (PKD, ) (Entered: 11/16/2006)
11/16/2006	●	Arrest of John Alphonso Smith (PKD, ) (Entered: 11/16/2006)
11/16/2006	●2	Minute Entry for proceedings held before Judge Lawrence O Anderson :Initial Appearance in Rule 5(c)(3) Proceedings as to John Alphonso Smith held on 11/16/2006. Appointment of Counsel Hearing held on 11/16/06. Appearance entered by Douglas Andrew Passon for John Alphonso Smith on behalf of defendant. Appointment type: AFPD. FINANCIAL AFFIDAVIT TAKEN. Identity Hearing waived, warrant of removal to be issued. Detention Hearing and Preliminary Hearing reserved for prosecuting district. (Court Reporter Courtsmart). (JIR) (Entered: 11/17/2006)
11/16/2006	●3	WAIVER of Rule 5(c)(3) Hearings by John Alphonso Smith. Defendant waives his right to an Identity Hearing but requests a Detention Hearing and Preliminary Hearing be held in the prosecuting district. (CLB) (Entered: 11/17/2006)
11/16/2006	●4	ORDER APPOINTING COUNSEL as to John Alphonso Smith. Douglas Andrew Passon for John Alphonso Smith appointed. Signed by Judge Lawrence O Anderson on 11/16/06. (CLB) (Entered: 11/17/2006)
11/17/2006	●5	COMMITMENT TO ANOTHER DISTRICT as to John Alphonso Smith. Defendant committed to District of Southern District of Ohio., John Alphonso Smith terminated. Signed by Judge Lawrence O Anderson on 11/17/06. (CLB) (Entered: 11/22/2006)

I hereby attest and certify on 11/22/06  
 that the foregoing document is a full, true and correct  
 copy of the original on file in my office and in my custody.

CLERK, U.S. DISTRICT COURT  
 DISTRICT OF ARIZONA

By

Deputy